

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 996

Introduced by Assembly Member Wiggins

February 20, 2003

An act to amend Section ~~11413 of the Penal Code, relating to terrorism~~ 676.10 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 996, as amended, Wiggins. ~~Terrorism~~ Insurance.

Existing law provides that a commercial property insurance policy, if the insured is a religious, educational, or other nonprofit organization that is organized and operated for religious, charitable, or educational purposes, as specified, may not be canceled, nor may the insurer refuse to renew the policy, because a claim was made against the policy in the preceding 60 months for a loss that was the result of a hate crime, as defined, committed against the person or property of the insured.

In addition, this bill would provide that an insurer may not require an unreasonable increase in the premiums for a policy on that basis. This bill would also expand the definition of hate crime to which these insurance related provisions apply to include forceful intervention in the free exercise or enjoyment of any constitutional right or privilege because the person is an employee, contractor, volunteer, patient, or is otherwise affiliated with a reproductive health services facility.

~~Existing law provides that any person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive, or who commits arson, in or about any health facility or place where medical care is provided, as specified, for the purpose of terrorizing~~

~~another or in reckless disregard of terrorizing another is punishable by imprisonment in the state prison for 3, 5, or 7 years, and a fine not exceeding \$10,000. Existing law defines terrorizing as causing a person of ordinary emotions and sensibilities to fear for personal safety.~~

~~This bill would specifically include in the definition of terrorizing systematic harassment of medical personnel working at a health facility or any place where medical care is provided by a licensed health care professional, that provides abortion services. Because this bill would expand the definition of a crime, it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 11413 of the Penal Code is amended to~~
- 2 *SECTION 1. Section 676.10 of the Insurance Code is*
- 3 *amended to read:*
- 4 676.10. (a) This section applies to policies covered by
- 5 Section 675, 675.5, or 676.5 if the insured is a religious
- 6 organization described in clause (i) of subparagraph (A) of
- 7 paragraph (1) of subsection (b) of Section 170 of Title 26 of the
- 8 United States Code, an educational organization described in
- 9 clause (ii) of subparagraph (A) of paragraph (1) of subsection (b)
- 10 of Section 170 of Title 26 of the United States Code, or other
- 11 nonprofit organization described in clause (vi) of subparagraph
- 12 (A) of paragraph (1) of subsection (b) of Section 170 of Title 26
- 13 of the United States Code that is organized and operated for
- 14 religious, charitable, or educational purposes.
- 15 (b) No insurer issuing policies subject to this section shall
- 16 cancel or refuse to renew the policy, *or require an unreasonable*
- 17 *increase in the premiums for the policy solely on the basis that one*
- 18 *or more claims has been made against the policy during the*

1 preceding 60 months for a loss that is the result of a hate crime
2 committed against the person or property of the insured.

3 (c) As it relates to this section, if determined by a law
4 enforcement agency, a “hate crime” may include any of the
5 following:

6 (1) By force or threat of force, willfully injure, intimidate,
7 interfere with, oppress, or threaten any other person in the free
8 exercise or enjoyment of any right or privilege secured to him or
9 her by the Constitution or laws of this state or by the Constitution
10 or laws of the United States because of the other person’s race,
11 color, religion, ancestry, national origin, disability, gender, or
12 sexual orientation, or because he or she perceives that the other
13 person has one or more of those characteristics, *or because the*
14 *other person is an employee, contractor, volunteer, patient, or is*
15 *otherwise affiliated with a reproductive health services facility, as*
16 *defined in subdivision (h) of Section 423.1 of the Penal Code, or*
17 *its administrative offices.* However, the foregoing offense does not
18 include speech alone, except upon a showing that the speech itself
19 threatened violence against a specific person or group of persons
20 and that the defendant had the apparent ability to carry out the
21 threat.

22 (2) Knowingly deface, damage, or destroy the real or personal
23 property of any other person for the purpose of intimidating or
24 interfering with the free exercise or enjoyment of any right or
25 privilege secured to the other person by the Constitution or laws
26 of this state or by the Constitution or laws of the United States,
27 because of the other person’s race, color, religion, ancestry,
28 national origin, disability, gender, or sexual orientation, or because
29 he or she perceives that the other person has one or more of those
30 characteristics.

31 (d) Upon cancellation of or refusal to renew a policy subject to
32 this section after an insured has submitted a claim to the insurer
33 that is the result of a hate crime committed against the person or
34 property of the insured, the insurer shall report the cancellation or
35 nonrenewal to the commissioner.

36 (e) A violation of this section shall be an unfair practice subject
37 to Article 6.5 (commencing with Section 790) of Chapter 1 of
38 Division 2.

39 (f) Nothing in this section shall prevent an insurer subject to
40 this section from taking any of the actions set forth in subdivision

(b) on the basis of criteria not otherwise made invalid by this section or any other act, regulation, or law.

read:

~~11413. (a) Any person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive, or who commits arson, in or about any of the places listed in subdivision (b), for the purpose of terrorizing another or in reckless disregard of terrorizing another is guilty of a felony, and shall be punished by imprisonment in the state prison for three, five, or seven years, and a fine not exceeding ten thousand dollars (\$10,000).~~

~~(b) Subdivision (a) applies to the following places:~~

~~(1) Any health facility licensed under Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, or any place where medical care is provided by a licensed health care professional.~~

~~(2) Any church, temple, synagogue, or other place of worship.~~

~~(3) The buildings, offices, and meeting sites of organizations that counsel for or against abortion or among whose major activities are lobbying, publicizing, or organizing with respect to public or private issues relating to abortion.~~

~~(4) Any place at which a lecture, film showing, or other private meeting or presentation that educates or propagates with respect to abortion practices or policies, whether on private property or at a meeting site authorized for specific use by a private group on public property, is taking place.~~

~~(5) Any bookstore or public or private library.~~

~~(6) Any building or facility designated as a courthouse.~~

~~(7) The home or office of a judicial officer.~~

~~(8) Any building or facility regularly occupied by county probation department personnel in which the employees perform official duties of the probation department.~~

~~(9) Any private property, if the property was targeted because of the race, color, religion, ancestry, national origin, disability, gender, or sexual orientation of the owner or occupant of the property.~~

~~(10) Any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.~~

~~(c) As used in this section, "judicial officer" means a magistrate, judge, justice, commissioner, referee, or any person~~

1 appointed by a court to serve in one of these capacities, of any state
2 or federal court located in this state.

3 (d) ~~As used in this section, “terrorizing” means to cause a~~
4 ~~person of ordinary emotions and sensibilities to fear for personal~~
5 ~~safety and includes the systematic harassment of medical~~
6 ~~personnel working at a health facility licensed under Chapter 2~~
7 ~~(commencing with Section 1250) of Division 2 of the Health and~~
8 ~~Safety Code, or any place where medical care is provided by a~~
9 ~~licensed health care professional, that provides abortion services.~~

10 (e) ~~Nothing in this section shall be construed to prohibit the~~
11 ~~prosecution of any person pursuant to Section 12303.3 or any other~~
12 ~~provision of law in lieu of prosecution pursuant to this section.~~

13 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~
14 ~~Section 6 of Article XIII B of the California Constitution because~~
15 ~~the only costs that may be incurred by a local agency or school~~
16 ~~district will be incurred because this act creates a new crime or~~
17 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
18 ~~for a crime or infraction, within the meaning of Section 17556 of~~
19 ~~the Government Code, or changes the definition of a crime within~~
20 ~~the meaning of Section 6 of Article XIII B of the California~~
21 ~~Constitution.~~

